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LRB094 15622 LCT 55350 a

1 AMENDMENT TO HOUSE BILL 4222

2 AMENDMENT NO. _____. Amend House Bill 4222 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Identification Act is amended by
5 changing Section 8 as follows:

6 (20 ILCS 2630/8) (from Ch. 38, par. 206-8)

7 Sec. 8. Crime statistics; sex offenders.

8 (a) The Department shall be a central repository and
9 custodian of crime statistics for the State and it shall have
10 all power incident thereto to carry out the purposes of this
11 Act, including the power to demand and receive cooperation in
12 the submission of crime statistics from all units of
13 government. On an annual basis, the Illinois Criminal Justice
14 Information Authority shall make available compilations
15 published by the Authority of crime statistics required to be
16 reported by each policing body of the State, the clerks of the
17 circuit court of each county, the Illinois Department of
18 Corrections, the Sheriff of each county, and the State's
19 Attorney of each county, including, but not limited to,
20 criminal arrest, charge and disposition information.

21 (b) The Department shall develop information relating to
22 the number of sex offenders and sexual predators as defined in
23 Section 2 of the Sex Offender Registration Act who are placed
24 on parole, mandatory supervised release, or extended mandatory

1 supervised release and who are subject to electronic
2 monitoring.

3 (Source: P.A. 86-701.)

4 Section 10. The Unified Code of Corrections is amended by
5 changing Section 3-3-7 and by adding Section 5-8A-6 as follows:

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

7 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
8 Release.

9 (a) The conditions of parole or mandatory supervised
10 release shall be such as the Prisoner Review Board deems
11 necessary to assist the subject in leading a law-abiding life.
12 The conditions of every parole and mandatory supervised release
13 are that the subject:

14 (1) not violate any criminal statute of any
15 jurisdiction during the parole or release term;

16 (2) refrain from possessing a firearm or other
17 dangerous weapon;

18 (3) report to an agent of the Department of
19 Corrections;

20 (4) permit the agent to visit him or her at his or her
21 home, employment, or elsewhere to the extent necessary for
22 the agent to discharge his or her duties;

23 (5) attend or reside in a facility established for the
24 instruction or residence of persons on parole or mandatory
25 supervised release;

26 (6) secure permission before visiting or writing a
27 committed person in an Illinois Department of Corrections
28 facility;

29 (7) report all arrests to an agent of the Department of
30 Corrections as soon as permitted by the arresting authority
31 but in no event later than 24 hours after release from
32 custody;

1 (7.5) if convicted of a sex offense as defined in the
2 Sex Offender Management Board Act, the individual shall
3 undergo and successfully complete sex offender treatment
4 conducted in conformance with the standards developed by
5 the Sex Offender Management Board Act by a treatment
6 provider approved by the Board;

7 (7.6) if convicted of a sex offense as defined in the
8 Sex Offender Management Board Act, refrain from residing at
9 the same address or in the same condominium unit or
10 apartment unit or in the same condominium complex or
11 apartment complex with another person he or she knows or
12 reasonably should know is a convicted sex offender or has
13 been placed on supervision for a sex offense; the
14 provisions of this paragraph do not apply to a person
15 convicted of a sex offense who is placed in a Department of
16 Corrections licensed transitional housing facility for sex
17 offenders, or is in any facility operated or licensed by
18 the Department of Children and Family Services or by the
19 Department of Human Services, or is in any licensed medical
20 facility;

21 (7.7) if convicted for an offense that would qualify
22 the accused as a sexual predator under the Sex Offender
23 Registration Act on or after the effective date of this
24 amendatory Act of the 94th General Assembly, wear an
25 approved electronic monitoring device as defined in
26 Section 5-8A-2 for the duration of the person's parole,
27 mandatory supervised release term, or extended mandatory
28 supervised release term;

29 (8) obtain permission of an agent of the Department of
30 Corrections before leaving the State of Illinois;

31 (9) obtain permission of an agent of the Department of
32 Corrections before changing his or her residence or
33 employment;

34 (10) consent to a search of his or her person,

1 property, or residence under his or her control;

2 (11) refrain from the use or possession of narcotics or
3 other controlled substances in any form, or both, or any
4 paraphernalia related to those substances and submit to a
5 urinalysis test as instructed by a parole agent of the
6 Department of Corrections;

7 (12) not frequent places where controlled substances
8 are illegally sold, used, distributed, or administered;

9 (13) not knowingly associate with other persons on
10 parole or mandatory supervised release without prior
11 written permission of his or her parole agent and not
12 associate with persons who are members of an organized gang
13 as that term is defined in the Illinois Streetgang
14 Terrorism Omnibus Prevention Act;

15 (14) provide true and accurate information, as it
16 relates to his or her adjustment in the community while on
17 parole or mandatory supervised release or to his or her
18 conduct while incarcerated, in response to inquiries by his
19 or her parole agent or of the Department of Corrections;

20 (15) follow any specific instructions provided by the
21 parole agent that are consistent with furthering
22 conditions set and approved by the Prisoner Review Board or
23 by law, exclusive of placement on electronic detention, to
24 achieve the goals and objectives of his or her parole or
25 mandatory supervised release or to protect the public.
26 These instructions by the parole agent may be modified at
27 any time, as the agent deems appropriate; and

28 (16) if convicted of a sex offense as defined in
29 subsection (a-5) of Section 3-1-2 of this Code, unless the
30 offender is a parent or guardian of the person under 18
31 years of age present in the home and no non-familial minors
32 are present, not participate in a holiday event involving
33 children under 18 years of age, such as distributing candy
34 or other items to children on Halloween, wearing a Santa

1 Claus costume on or preceding Christmas, being employed as
2 a department store Santa Claus, or wearing an Easter Bunny
3 costume on or preceding Easter.

4 (b) The Board may in addition to other conditions require
5 that the subject:

6 (1) work or pursue a course of study or vocational
7 training;

8 (2) undergo medical or psychiatric treatment, or
9 treatment for drug addiction or alcoholism;

10 (3) attend or reside in a facility established for the
11 instruction or residence of persons on probation or parole;

12 (4) support his dependents;

13 (5) (blank);

14 (6) (blank);

15 (7) comply with the terms and conditions of an order of
16 protection issued pursuant to the Illinois Domestic
17 Violence Act of 1986, enacted by the 84th General Assembly,
18 or an order of protection issued by the court of another
19 state, tribe, or United States territory; and

20 (8) in addition, if a minor:

21 (i) reside with his parents or in a foster home;

22 (ii) attend school;

23 (iii) attend a non-residential program for youth;

24 or

25 (iv) contribute to his own support at home or in a
26 foster home.

27 (b-1) In addition to the conditions set forth in
28 subsections (a) and (b), persons required to register as sex
29 offenders pursuant to the Sex Offender Registration Act, upon
30 release from the custody of the Illinois Department of
31 Corrections, may be required by the Board to comply with the
32 following specific conditions of release:

33 (1) reside only at a Department approved location;

34 (2) comply with all requirements of the Sex Offender

1 Registration Act;

2 (3) notify third parties of the risks that may be
3 occasioned by his or her criminal record;

4 (4) obtain the approval of an agent of the Department
5 of Corrections prior to accepting employment or pursuing a
6 course of study or vocational training and notify the
7 Department prior to any change in employment, study, or
8 training;

9 (5) not be employed or participate in any volunteer
10 activity that involves contact with children, except under
11 circumstances approved in advance and in writing by an
12 agent of the Department of Corrections;

13 (6) be electronically monitored for a minimum of 12
14 months from the date of release as determined by the Board;

15 (7) refrain from entering into a designated geographic
16 area except upon terms approved in advance by an agent of
17 the Department of Corrections. The terms may include
18 consideration of the purpose of the entry, the time of day,
19 and others accompanying the person;

20 (8) refrain from having any contact, including written
21 or oral communications, directly or indirectly, personally
22 or by telephone, letter, or through a third party with
23 certain specified persons including, but not limited to,
24 the victim or the victim's family without the prior written
25 approval of an agent of the Department of Corrections;

26 (9) refrain from all contact, directly or indirectly,
27 personally, by telephone, letter, or through a third party,
28 with minor children without prior identification and
29 approval of an agent of the Department of Corrections;

30 (10) neither possess or have under his or her control
31 any material that is sexually oriented, sexually
32 stimulating, or that shows male or female sex organs or any
33 pictures depicting children under 18 years of age nude or
34 any written or audio material describing sexual

1 intercourse or that depicts or alludes to sexual activity,
2 including but not limited to visual, auditory, telephonic,
3 or electronic media, or any matter obtained through access
4 to any computer or material linked to computer access use;

5 (11) not patronize any business providing sexually
6 stimulating or sexually oriented entertainment nor utilize
7 "900" or adult telephone numbers;

8 (12) not reside near, visit, or be in or about parks,
9 schools, day care centers, swimming pools, beaches,
10 theaters, or any other places where minor children
11 congregate without advance approval of an agent of the
12 Department of Corrections and immediately report any
13 incidental contact with minor children to the Department;

14 (13) not possess or have under his or her control
15 certain specified items of contraband related to the
16 incidence of sexually offending as determined by an agent
17 of the Department of Corrections;

18 (14) may be required to provide a written daily log of
19 activities if directed by an agent of the Department of
20 Corrections;

21 (15) comply with all other special conditions that the
22 Department may impose that restrict the person from
23 high-risk situations and limit access to potential
24 victims.

25 (c) The conditions under which the parole or mandatory
26 supervised release is to be served shall be communicated to the
27 person in writing prior to his release, and he shall sign the
28 same before release. A signed copy of these conditions,
29 including a copy of an order of protection where one had been
30 issued by the criminal court, shall be retained by the person
31 and another copy forwarded to the officer in charge of his
32 supervision.

33 (d) After a hearing under Section 3-3-9, the Prisoner
34 Review Board may modify or enlarge the conditions of parole or

1 mandatory supervised release.

2 (e) The Department shall inform all offenders committed to
3 the Department of the optional services available to them upon
4 release and shall assist inmates in availing themselves of such
5 optional services upon their release on a voluntary basis.

6 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,
7 eff. 7-11-05; 94-161, eff. 7-11-05; revised 8-19-05.)

8 (730 ILCS 5/5-8A-6 new)

9 Sec. 5-8A-6. Electronic monitoring of certain sex
10 offenders. For a sexual predator subject to electronic home
11 monitoring under paragraph (7.7) of subsection (a) of Section
12 3-3-7, the Department of Corrections must use a system that
13 actively monitors and identifies the offender's current
14 location and timely reports or records the offender's presence
15 and that alerts the Department of the offender's presence
16 within a prohibited area described in Sections 11-9.3 and
17 11-9.4 of the Criminal Code of 1961, in a court order, or as a
18 condition of the offender's parole, mandatory supervised
19 release, or extended mandatory supervised release and the
20 offender's departure from specified geographic limitations.

21 Section 15. The Sex Offender Registration Act is amended by
22 changing Sections 6, 8-5, and 10 as follows:

23 (730 ILCS 150/6) (from Ch. 38, par. 226)

24 Sec. 6. Duty to report; change of address, school, or
25 employment; duty to inform. A person who has been adjudicated
26 to be sexually dangerous or is a sexually violent person and is
27 later released, or found to be no longer sexually dangerous or
28 no longer a sexually violent person and discharged, or
29 convicted of a violation of this Act after July 1, 2005, shall
30 report in person to the law enforcement agency with whom he or
31 she last registered no later than 90 days after the date of his

1 or her last registration and every 90 days thereafter and at
2 such other times at the request of the law enforcement agency
3 not to exceed 4 times a year. Any person who lacks a fixed
4 residence must report weekly, in person, to the appropriate law
5 enforcement agency where the sex offender is located. Any other
6 person who is required to register under this Article shall
7 report in person to the appropriate law enforcement agency with
8 whom he or she last registered within 6 months ~~one year~~ from
9 the date of last registration and every 6 months ~~year~~
10 thereafter and at such other times at the request of the law
11 enforcement agency not to exceed 4 times a year. If any person
12 required to register under this Article lacks a fixed residence
13 or temporary domicile, he or she must notify, in person, the
14 agency of jurisdiction of his or her last known address within
15 5 days after ceasing to have a fixed residence and if the
16 offender leaves the last jurisdiction of residence, he or she,
17 must within 48 hours after leaving register in person with the
18 new agency of jurisdiction. If any other person required to
19 register under this Article changes his or her residence
20 address, place of employment, or school, he or she shall report
21 in person to ~~5~~ the law enforcement agency with whom he or she
22 last registered of his or her new address, change in
23 employment, or school and register, in person, with the
24 appropriate law enforcement agency within the time period
25 specified in Section 3. The law enforcement agency shall,
26 within 3 days of the reporting in person by the person required
27 to register under this Article, notify the Department of State
28 Police of the new place of residence, change in employment, or
29 school.

30 If any person required to register under this Article
31 intends to establish a residence or employment outside of the
32 State of Illinois, at least 10 days before establishing that
33 residence or employment, he or she shall report in person to
34 the law enforcement agency with which he or she last registered

1 of his or her out-of-state intended residence or employment.
2 The law enforcement agency with which such person last
3 registered shall, within 3 days after the reporting in person
4 of the person required to register under this Article of an
5 address or employment change, notify the Department of State
6 Police. The Department of State Police shall forward such
7 information to the out-of-state law enforcement agency having
8 jurisdiction in the form and manner prescribed by the
9 Department of State Police.

10 (Source: P.A. 93-977, eff. 8-20-04; 94-166, eff. 1-1-06;
11 94-168, eff. 1-1-06; revised 8-19-05.)

12 (730 ILCS 150/8-5)

13 Sec. 8-5. Verification requirements.

14 (a) Address verification. The agency having jurisdiction
15 shall verify the address of sex offenders, as defined in
16 Section 2 of this Act, or sexual predators required to register
17 with their agency at least once per year. The verification must
18 be documented in LEADS in the form and manner required by the
19 Department of State Police.

20 (b) Registration verification. The supervising officer
21 shall, within 15 days of sentencing to probation or release
22 from an Illinois Department of Corrections facility, contact
23 the law enforcement agency in the jurisdiction in which the sex
24 offender or sexual predator designated as his or her intended
25 residence and verify compliance with the requirements of this
26 Act. Revocation proceedings shall be immediately commenced
27 against a sex offender or sexual predator on probation, parole,
28 or mandatory supervised release who fails to comply with the
29 requirements of this Act.

30 (c) In an effort to ensure that sexual predators and sex
31 offenders who fail to respond to address-verification attempts
32 or who otherwise abscond from registration are located in a
33 timely manner, the Department of State Police shall share

1 information with local law enforcement agencies. The
2 Department shall use analytical resources to assist local law
3 enforcement agencies to determine the potential whereabouts of
4 any sexual predator or sex offender who fails to respond to
5 address-verification attempts or who otherwise absconds from
6 registration. The Department shall review and analyze all
7 available information concerning any such predator or offender
8 who fails to respond to address-verification attempts or who
9 otherwise absconds from registration and provide the
10 information to local law enforcement agencies in order to
11 assist the agencies in locating and apprehending the sexual
12 predator or sex offender.

13 (Source: P.A. 92-828, eff. 8-22-02; 93-979, eff. 8-20-04.)

14 (730 ILCS 150/10) (from Ch. 38, par. 230)

15 Sec. 10. Penalty.

16 (a) Any person who is required to register under this
17 Article who violates any of the provisions of this Article and
18 any person who is required to register under this Article who
19 seeks to change his or her name under Article 21 of the Code of
20 Civil Procedure is guilty of a Class 3 felony. Any person who
21 is convicted for a violation of this Act for a second or
22 subsequent time is guilty of a Class 2 felony. Any person who
23 is required to register under this Article who knowingly or
24 wilfully gives material information required by this Article
25 that is false is guilty of a Class 3 felony. Any person
26 convicted of a violation of any provision of this Article
27 shall, in addition to any other penalty required by law, be
28 required to serve a minimum period of 7 days confinement in the
29 local county jail. The court shall impose a mandatory minimum
30 fine of \$500 for failure to comply with any provision of this
31 Article. These fines shall be deposited in the Sex Offender
32 Registration Fund. Any sex offender, as defined in Section 2 of
33 this Act, or sexual predator who violates any provision of this

1 Article may be arrested and tried in any Illinois county where
2 the sex offender can be located. The local police department or
3 sheriff's office is not required to determine whether the
4 person is living within its jurisdiction.

5 (b) Any person, not covered by privilege under Part 8 of
6 Article VIII of the Code of Civil Procedure or the Illinois
7 Supreme Court's Rules of Professional Conduct, who has reason
8 to believe that a sexual predator is not complying, or has not
9 complied, with the requirements of this Article and who, with
10 the intent to assist the sexual predator in eluding a law
11 enforcement agency that is seeking to find the sexual predator
12 to question the sexual predator about, or to arrest the sexual
13 predator for, his or her noncompliance with the requirements of
14 this Article is guilty of a Class 3 felony if he or she:

15 (1) provides false information to the law enforcement
16 agency having jurisdiction about the sexual predator's
17 noncompliance with the requirements of this Article, and,
18 if known, the whereabouts of the sexual predator;

19 (2) harbors, or attempts to harbor, or assists another
20 person in harboring or attempting to harbor, the sexual
21 predator; or

22 (3) conceals or attempts to conceal, or assists another
23 person in concealing or attempting to conceal, the sexual
24 predator.

25 (c) Subsection (b) does not apply if the sexual predator is
26 incarcerated in or is in the custody of a State correctional
27 facility, a private correctional facility, a county or
28 municipal jail, or a federal correctional facility.

29 (Source: P.A. 93-979, eff. 8-20-04; 94-168, eff. 1-1-06.)"